

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

**UNITED STATES OF AMERICA,**

**V.**

**(1) STRYKER BIOTECH, LLC,**

**(2) MARK PHILIP,**

**(3) WILLIAM HEPPNER,**

(4) **DAVID ARD and**

(5) JEFFREY WHITAKER,

**Defendants.**

**Criminal No.: 09-CR-10330-GAO**

**GOVERNMENT’S MOTION TO DISMISS ALL COUNTS  
AS TO DEFENDANT STRYKER BIOTECH LLC**

Pursuant to Fed. R. Crim. P. 48, the United States hereby moves to dismiss with prejudice Counts 1-13 of the Superseding Indictment, Counts 1-12 and 15 of the Indictment, and related forfeiture allegations, as to Defendant Stryker Biotech, LLC on the ground that Stryker Biotech LLC pled guilty to the Superseding Information, was sentenced, paid the criminal fine in its entirety, and the parties have agreed these remaining counts should be dismissed.

WHEREFORE, the United States respectfully requests that the Court dismiss with prejudice Counts 1-13 of the Superseding Indictment, Counts 1-12 and 15 of the Indictment, and related forfeiture allegations, as to Defendant Stryker Biotech LLC.

Respectfully submitted,

CARMEN M. ORTIZ  
United States Attorney

By: /s/ Susan G. Winkler  
 Jeremy M. Sternberg  
 Susan G. Winkler  
 Gregory F. Noonan  
 Assistant U.S. Attorneys

IT IS SO ORDERED.

By: \_\_\_\_\_  
The Hon. George A. O'Toole, Jr.  
U.S. District Court Judge

Date: January 19, 2012

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

/s/ Susan G. Winkler  
Assistant United States Attorney

Date: January 19, 2012